

# UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte CAORL SHIFRIN GRUCHALA,  
HAROLD C. FLEISCHER III, and JUDY MANDOWSKI

MAY 31 2007

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application No. 09/886,046

### ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

Information Disclosure Statements (IDSs) were filed on September 26, 2001 and August 17, 2004. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. In particular, it is noted that the IDS of September 26, 2001 was initialed, but not signed and dated. Appropriate action is required.

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Accordingly, it is

ORDERED that the application is returned to the Examiner for 1) consideration of the IDSs, 2) written notification to appellant regarding the result of the examiner's consideration, and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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